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9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12 IN RE SUBPOENA TO CLOUDFLARE

Case No. 23-mc-80005-HSG

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14 **DECLARATION OF AARON MACKEY**
15 **IN SUPPORT OF J. DOE'S RESPONSE**
16 **TO ORDER TO SHOW CAUSE**
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20 I, Aaron Mackey, hereby declare:

21 1. I am an attorney of record for J. Doe. I am a member in good standing of the California
22 State Bar and am admitted to practice in this Court. I have personal knowledge of the matters stated
23 in this declaration. If called upon to do so, I am competent to testify to all matters set forth herein.

24 2. On January 5, 2023, I was included on an email message serving Patrick Trainor,
25 Plaintiffs' counsel of record in *D'Ambly v. Exoo*, No. 2:20-cv-12880 (D. N.J.), and Julia Rieper,
26 counsel to Cloudflare, Inc. ("Cloudflare"), with J. Doe's motion to quash the subpoena issued to
27 Cloudflare in connection with that case, and accompanying filings. Doe's motion requested a
28 February 9, 2023, hearing date. Dkt. No. 1 at 1.

1 3. Mr. Trainor responded to that email message on January 5, 2023, confirming receipt of
2 Doe's motion and accompanying filings. Mr. Trainor wrote "I hope we don't get hacked between
3 now and February 9th." A true and correct copy of that email is attached as Exhibit A.

4 4. On January 12, 2023, I was included on an email message serving Mr. Trainor with the
5 Court's notice assigning the case to Magistrate Judge Alex G. Tse, Dkt. No. 4, and a copy of Doe's
6 consent to Magistrate Judge Tse's jurisdiction, Dkt. No. 6. A true and correct copy of that email is
7 attached as Exhibit B.

8 5. On January 23, 2023, I was included on an email message serving Mr. Trainor with
9 Magistrate Judge Tse's order, Dkt. No. 9, requiring any response by Daniel D'Ambly to be filed by
10 February 6, 2023, and that D'Ambly consent to or decline Magistrate Judge Tse's jurisdiction by
11 the same date. A true and correct copy of that email is attached as Exhibit C.

12 6. On February 7, 2023, I was included on an email message serving Mr. Trainor with the
13 Reassignment Order and Order Reassigning the case to this Court, Dkt. Nos. 12-13, and requesting
14 that his client withdraw the subpoena. A true and correct copy of that email is attached as Exhibit
15 D.

16 7. On February 8, 2023, I was included on an email exchange serving Mr. Trainor once
17 more with the orders reassigning the case to this Court along with a copy of this Court's standing
18 order for all civil matters. A true and correct copy of that email is attached as Exhibit E.

19 8. On February 13, 2023, I was included on an email exchange serving Mr. Trainor with
20 Doe's reply in support of their motion to quash filed that same day. A true and correct copy of that
21 email is attached as Exhibit F.

22 9. On March 16, 2023, I was included on an email exchange serving Mr. Trainor with
23 Doe's notice substituting counsel of record in this case. A true and correct copy of that email is
24 attached as Exhibit G.

25 10. On April 28, 2023, I spoke with Mr. Trainor by telephone regarding this Court's Order
26 to Show Cause, Dkt. No. 17. In that phone call, Mr. Trainor confirmed that he had received Doe's
27 motion to quash the subpoena to Cloudflare in January 2023. Mr. Trainor further stated that his
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1 client did not intend to respond to Doe's motion.

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3 11. That same day, I sent Mr. Trainor an email message to confirm, once again, that Mr.
4 Trainor was aware of Doe's motion in January 2023, had received service of all filings and orders
5 in this case, and did not intend to respond to Doe's motion on behalf of his client, Mr. D'Ambly. A
6 true and correct copy of the email is attached as Exhibit H.

7 12. As of May 8, 2023, Mr. Trainor has not responded to that email.

8 13. On April 28, 2023, in response to the Court's Order to Show Cause, Dkt. No. 17, Doe
9 re-served all filings and orders in this case on Mr. Trainor and Ms. Rieper, by first-class mail,
10 postage pre-paid, and with return receipts requested. Doe filed a Certificate of Service the same
11 day. Dkt. No. 18.

12 14. On May 1, 2023, the United States Postal Service confirmed delivery of all filings Doe
13 served on Mr. Trainor on April 28, 2023. A true and correct copy of the confirmation of delivery is
14 attached as Exhibit I.

15 I declare under penalty of perjury under the laws of the United States of America that the foregoing
16 is true and correct. Signed on May 8, 2023 at Alameda, California.

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19 /s/ Aaron Mackey

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